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May 25, 2021

Honorable Ann M. Donnelly, United States District Judge
United States District Court for the
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Cc:
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Re: Letter Motion Requesting Remanding of the Action to State Court
Re: Buisson v. Uber
Docket No.: 21-CV-02534

Dear Hon. Ann M. Donnelly:

I represent the plaintiff Melissa Buisson in the above captioned matter and seek to have this matter remanded back to the Supreme Court of the State of New York – Kings County.

I write this letter after conferring with Defendant's Counsel. They have not consented to my request to have the action remanded and as such I am writing to request a pre-motion conference.

This case concerns personal injuries suffered by my client as a result of a motor vehicle accident involving two vehicles which occurred on June 27, 2018. My client sustained serious injuries, including to her right shoulder, left shoulder, left knee, neck, back, right ankle and underwent surgery to her right shoulder and sustained a fracture to her right ankle.

There is however another suit currently pending in the Supreme Court of the State of New York – Kings County under Index Number 521973/2018 captioned: Melissa Buisson (a New York State resident) v. The City of New York (a municipality in the State of New York), New York City Department of Sanitation (a department of a municipality in the State of New York), Charles Tolas (upon information and belief a New York State resident), and Gmarif Uddin (upon information and belief a New York State resident); said suit lists the drivers and owners/employers of both vehicles.

I commenced this action in the Supreme Court of the State of New York – Kings County under Index Number 501176/2021 on January 15, 2021, alleging that the herein defendants were the employers of Gmarif Uddin (upon information and belief a New York resident), and I intended to file a motion to consolidate both actions as soon as an answer was interposed in this action as both actions concern the same incident and identical questions of liability and damages.

Discovery is ongoing in the original action and it is appropriate that the actions be tried together to avoid contradictory rulings and also as a matter of efficiency and proper use of judicial resources.

Once the matters are consolidated, there would not be complete diversity as envisioned under 28 U.S.C. § 1441.

As such, I respectfully request that the action be remanded back to the Supreme Court of the State of New York – Kings County, so that it can be consolidated with the other related action currently pending in Supreme Court of the State of New York – Kings County.

Respectfully,

Bryan Barenbaum

By: Bryan Barenbaum, Esq.

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